United Nations A/HRC/RES/38/20

General Assembly

Distr.: General
20 July 2018
English
Original: French

Human Rights Council
Thirty-eighth session
18 June–6 July 2018
Agenda item 10

Resolution adopted by the Human Rights Council on 6 July 2018

38/20. Technical assistance to the Democratic Republic of the Congo and accountability concerning the events in the Kasai region

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming that all States have a responsibility to promote and protect the human rights and fundamental freedoms enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as other relevant instruments to which they are parties, and to fulfil their obligations under those instruments and agreements,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also Council resolutions 5/1 of 18 June 2007, 7/20 of 27 March 2008 and S-8/1 of 1 December 2008,

Recalling further Council resolutions 35/33 of 23 June 2017 and 33/29 of 30 September 2016 and its previous resolutions on the situation of human rights and technical assistance in the Democratic Republic of the Congo,

Recognizing the important role of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and the United Nations Joint Human Rights Office in the Democratic Republic of the Congo in documenting and reporting human rights violations and abuses, and in improving the situation of human rights in the country,

Welcoming with satisfaction the cooperation of the Government of the Democratic Republic of the Congo with the team of international experts dispatched by the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 35/33, including by facilitating access to the country, sites and persons,

Noting with concern the conclusions of the team of international experts in its report[1], particularly on serious human rights violations and abuses, and on violations of international humanitarian law by all parties to the conflict, including those concerning deliberate attacks against the civilian population or against civilians not directly taking part

[1] A/HRC/38/31.

in hostilities, the recruitment and use of child soldiers, widespread sexual and gender-based violence, extrajudicial killings, killing and maiming, ethnic violence, looting, as well as sexual slavery and the destruction of homes, schools, hospitals, places of worship and State infrastructure by the militias,

Reiterating its condemnation of the killing of two members of the Group of Experts on the Democratic Republic of the Congo established pursuant to Security Council resolution 1533 (2004) of 12 March 2004, Zaida Catalán and Michael Sharp, who were killed in Central Kasai while discharging their mandate, and their companions, and emphasizing the need to bring to justice all those responsible,

Deeply alarmed by the ongoing humanitarian consequences of violence against civilians in the Kasai region, which have caused significant forced displacement of populations,

Taking note of the statement of the Special Representative of the Secretary-General for Children and Armed Conflict, on 30 April 2018, in which she describes the disproportionate impact of violence on children in the Kasai region in 2017, especially killings, maiming and burning children alive,

1. *Condemns in the strongest terms* all acts of violence, incitement to hatred and ethnic violence, human rights violations and violations of international humanitarian law committed by all parties to the conflict in the Kasai region since August 2016, including violence and abuse against women and children, the unlawful recruitment and use of child soldiers;

2. *Condemns in particular* violations and abuses committed against children, who were the first victims of the violence, and the conditions in which they were committed, including through the excessive use of force and the recruitment and use of children by the militias, calls upon all parties to put an immediate end to these serious human rights violations and abuses, and calls upon the Government of the Democratic Republic of the Congo to implement, with the support of relevant stakeholders, effective reintegration and rehabilitation programmes, taking into account gender-sensitive issues for children involved in armed conflict;

3. *Notes with appreciation* the work of the team of international experts dispatched by the United Nations High Commissioner for Human Rights, notes also the importance of the information and evidence it has collected to support future efforts regarding accountability for human rights violations and abuses in the Kasai region, and requests the High Commissioner to share the conclusions and recommendations of the team of international experts with the General Assembly;

4. *Notes with concern* the content of the statement made by the Chairperson of the team of international experts, during the interactive dialogue of 3 July 2018, on the ongoing acts of violence associated with the crisis in the Kasai region, the continuing recruitment and use of children by the Kamuina Nsapu and Bana Mura militias, as well as reports of continuing intercommunal violence and violence of the militias in the Kasai region;

5. *Calls on* the Government of the Democratic Republic of the Congo to continue and to intensify its efforts to respect, protect and guarantee all human rights and fundamental freedoms for all, in accordance with its international obligations, and to respect the rule of law;

6. *Commends* the role played by regional and international organizations as well as neighbouring countries in providing protection and assistance to all people affected by the crisis in the Kasai region;

7. *Requests* the Government of the Democratic Republic of the Congo to implement all the recommendations made by the team of international experts in its report, in particular those relating to the fight against impunity, so that all those responsible are brought to justice, and to promote reconciliation, and underscores in this regard the need to address the root causes of the conflict to ensure the non-recurrence of violence;

8. *Requests* the High Commissioner to dispatch a team of two international human rights experts, with adequate support, to be charged with monitoring, evaluating, providing support and reporting on the implementation by the Democratic Republic of the Congo of the recommendations made by the previous team of international experts in its report, in particular with regard to the fight against impunity and the measures to promote reconciliation, and to make recommendations in this regard, as appropriate;

9. *Also requests* the High Commissioner to present an oral update on the developments of the human rights situation in the Kasai region and to invite the team of two international experts to participate in an enhanced interactive dialogue at its fortieth session, and further requests the High Commissioner to transmit and submit a comprehensive report on the human rights situation in the Kasai region, including the conclusions of the team of two international experts, and to invite the team to participate in an interactive dialogue at its forty-first session;

10. *Requests* the Office of the United Nations High Commissioner for Human Rights to provide the Government of the Democratic Republic of the Congo with technical assistance, including the necessary forensic expertise, to support the Congolese judicial authorities in their investigations into allegations of human rights violations and abuses, and crimes committed in the Kasai region, to ensure that all perpetrators are brought to justice;

11. *Calls upon* the Government of the Democratic Republic of the Congo to cooperate with the team of two international experts;

12. *Requests* that the Office of the High Commissioner receive the necessary and appropriate resources for the performance of its mandate;

13. *Decides* to remain seized of this matter.

40th meeting
6 July 2018

[Adopted without a vote.]